1881-008 Chancery Causes: James B. Colson, admr. & ors. Admr. of William J. Colson & Lee Co.

Hamblen, Shumate, Snellar, Snelling

CA-Debt
T-Property

To the Honorable Henry J. Morgan Judge of the County Court of Lee County Virginia,

The bill of Complaint of James B. Colson Surviving obligee of himself and William E Colson, deceased and Surviving administrator of himself and William E. Colson deceased who sues for the Administrators of the estate of John Colson Sr. deceased who sues for the benefit of himself and the other Creditors of Wm J. Colson dec'd. humbly Complaining respectfully represents that he and the said William E. Colson deceased were administrators of the estate of John Colson Sr. dec'd, and about the 15th day of July 1864 the said William E. Colson departed this life and the administration of his decedents estate devolved upon him and he is still the Surviving administrator of said estate and your Orator alleges that in December the 8th 1860 he and his Co-administrator made a Sale of their decedents personal estate and at said Sale one William J. Colson purchased property amounting to $106.00 and on the 11th day of December 1860 the said Wm. J. Colson executed to Your Orator and William E Colson his bond, dated Dec 11th 1860 with one Juliana Colson as his Security for the said Sum of $106.00 payable twelve months after date, which bond is herewith filed Marked A and made a part of this bill but Your Orator alleges that although the debt was contracted for property belonging to them only as administrators yet by mistake the notes or bond was only made payable to them in their individual capacity. But Your orator alleges that the debt executed is due him as Surviving obligee as above stated but it is really a debt due him as Surviving Administrator of John Colson Sr. deceased and the bond should have been so drawn that part being accidently omitted and hence your orator disclaims any right to the same in his individual Capacity but hereby sues on it as such it being only a mistake and he is advised that the Courts of Chacery have

power to Correct mistakes and will certainly do So in this Case if it is necessary. Your orator further alleges that no part of Said bond has ever been paid either by the Said Wm. J. Colson or Julana Colson and about the Year 1861 the Said William J. Colson departed this life intestate and at the Dec. term 1870 of the County Court of Lee County his estate was on the motion of your orator Committed to ~~the late~~ Charles L. Hamblen Sheriff of Lee County for administration And about the year 1862 or 3 the Said Julana Colson intermarried with one James F. Snellen and neither the Said James F. Snellen nor the Said Julana his wife nor the Said Charles L. Hamblen Sheriff ~~and~~ administrator of Wm. J. Colsons estate have ever paid the bond or any part thereof but all have failed to do So and Still fail to do So. But your orator will here State that the Said Wm. J. Colson Colson being a Grandson of his decedent was entitled to a very Small portion of his estate which will in your Orators opinion not exceed $15.00 but he cannot tell the exact amount until he makes a final Settlement but whatever this Small amount is it is in your Orators hands and Should and will be placed as a Credit on the Said note. Your orator alleges that there are no personal assets belonging to the Said Wm. J. Colson's estate but he left at his death the one fifth part of a Certain tract or parcel of land lieing and being in the west end of Lee County in which his mother has a life time estate on the whole tract and your Orator alleges that he owed Some other Small debts besides the bond herewith filed and the Said interest in Said land Your Orator alleges will have to be Subjected to the payment ~~to the payment~~ of the debts of the Said, Wm. J. Colson and it being encumbered by a life time estate of Sarah Colson Your orator alleges it will be necessary to Subject the land to Sale as the rents & profits will not pay the debts against the estate in five years. Your Orator further alleges that James F. Snelling and Julana Snellen his wife formerly Julana Colson and Security to Said bond are nonresidents of this State and ~~lives~~ live, in Josh Bell County Kentucky but She the Said Julana owns a like interest of one fifth of Said tract of land in Lee County encumbend likewise by the lifetime interest of Sarah Colson but Your Orator alleges that the interest of Wm. Colson deceased Should be first Subjected to the payment of his debts and if the Said interest is insufficient to Satisfy the bond due Your Orator then the interest of the Said James F. Snellen and wife Should be Subjected to pay the remainder.

Now the object of this bill is to ascertain whether or not there are any personal assets belonging to the estate of Wm. J. Colson decd and to marshall the assets and have a Settlement of the Said Charles L. Hamblen's Administration account and if necessary to Subject the decedents real estate to the payment of his debts and if necessary further to Subject the real and personal estate of the Said James F. Snellen and Julana Snellen his wife to the payment

of the remainder of Said bond and Your Orator being without an adequate remedy at law and best relievable in a Court of equity his prayer therefore is that the Said Charles L. Hamblen Sheriff and as Such Administrator of the estate of Wm. J. Colton deceased and Sarah Colson Baitiss Shumate and rebecca Shumate his wife John Colson James F. Snellen and Juliana Snellen his wife & Arva Colson be made parties defendant to this bill the Said Sarah Colson being the mother and the Said Rebecca Shumate John Colson Juliana Snellen and Arva Colson being the brothers and Sisters and Consequently the heirs of the Said Wm. C. he having died unmarried without lineal descendants, and that they all be Summoned and required to answer this bill upon their oaths and that the Said Charles L. Hamblen adgm. & as aforesaid be required to answer and discover on oath what personal assets are in his hands and belonging to Said William J. Colton's estate and that in the mean time an attachment in equity be issued & levied upon the real and personal estate of the Said James F. Snelling and Juliana Snellen his wife, to Secure the payment of Said bond and that an order of publication be made posted and published against the Said Balus Shumate & Rebecca his wife and James F. Snellen & Juliana his wife and John Colson they being nonresidents of Virginia and that upon a hearing the Court will decree an account in this Cause Against the Said admr and Subject the decedents real estate to the payment of the debts of Decedent and if necessary & Subject the real and personal estate of the Said James F. Snellen & wife to the payment of the balance of Said bond in Case the Said Wm. J. Coltons estate is

not Sufficient to pay the Same and Such other further and General relief be extended to your or-ator as may be Consistent with equity and justice and best Suited to his Case May the Com-monwealths writ of Spa. issue directed &c.

Sharp & Miller
for Compl't

L 4.5 T
A 15.00
S 1.50
$21.0 T

Add fo Ch .75 - to May 1873
" " 56
On Ch 8.1 July 1874

James B. Colston
Surviving Admr &c.

vs. Bill in Chy.

Charles L. Hamblen
Admr. &c. Fothers

Note enclosed

1872 Feb Bill Filed Sfa Executed on C. L. Hamblen, Anne Colson & Sarah Colson & Decree Nisi
" March D. R. Confd & Continued
" April, May & June "
" July, Aug, & Sept "
" Oct - Nov & Dec "
1873. Jany & Feb & March "
" April, May & June "
" July Continued
" Aug & Sept Transferred to circuit
" Sep Rules Continued
" Sept. Oct - Nov & Dec Contd.
1874. Continued this year.
1875. Continued this year.
1876. Contd this year
1877. Contd " year.
1878 Contd this year.
1879 Contd this year.
1880. Contd this year.
1881. Contd to July.

Fo 27 C 470

$106.00 Twelve months after date we or either of us bind our selves and Heirs to pay Jas. B. & W. E. Colson One Hundred & Six dollars for Value rec'd Witness our hands and Seals this 11th Dec. 1860

Wm J Colsan (Seal)

Juliana Colsan (Seal)

A copy, Teste James H Orr, Clerk.

(A)

Wm. A. Colson &
Juliana Colson
To note $106.00

James B. Colson Surviving admr. &c.
vs.
Charles L. Hamblen admr. &c. & others } Order

On motion of the plaintiff it is ordered that he may lift the note of One hundred and Six dollars executed to Jas. B. & W. E. Colson due Twelve months after date and dated Decr. 11th 1860 and Signed and Sealed by Wm. J. Colson and Juliana Colson and filed in this Cause by leaving an attested copy of the Same.

James B. Colson
Surviving admr. &c.

vs. Bill in Chy.

Charles L. Hamblen
admr. &c. & others

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON Charles L. Hamblen Admr. of the Estate of William J. Ealson decd., Sarah Ealson, Balis Shumate & Rebecca Shumate his wife, John Ealson, James F. Snellan and Juliana Snellan his wife, and Ana Ealson

to appear before the Judge of our County Court of Lee county, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in February next to answer a bill in Chancery, exhibited in our said Court against them by James B. Ealson Surviving obligee of himself and William E. Ealson deceased and Surviving Administrator of himself and William E. Ealson deceased Administrators of the Estate of John Ealson Sr. deceased

And have then there this writ. Witness, ***JAMES W. ORR,*** Clerk of our said Court, at the Court-House, this 1st day of January, 1872., in the 96th year of the Commonwealth.

James W. Orr, CLERK.

James B. Colson, Surv. Obligee
& Surv. Admr &c.

vs. } Sp a in Chy.

Chas L. Hamblen, Admr &c
and others.

February Rules 1872.

I accept legal service of this
within Sp a in chy this. 1st. day
of Jany 1872.

C L. Hamblen — admr of
estate of Wm J. Colson decd

Executed by delivering
a copy & reading to Edward
Colson & Sarah Colson
an Officers Copy of the
within Summons
Jan 22nd 1872
L. R. Haskins D. S.
For C. L. Hamblin & the other within named
Persons are Not Residents
of this Commonwealth
L. R. Haskins D. S.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON Charles L. Hamblen, Admr. of the estate of William J. Colson dec'd, Sarah Colson, Balis Shumate & Rebecca Shumate, his wife, John Colson, James F. Snellen, and Juliann Snellen his wife, and Avra Colson

to appear before the Judge of our County Court of Lee county, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in February next to answer a bill in Chancery, exhibited in our said Court against them by James B. Colson, Surviving obligee of himself and William E. Colson deceased, and surviving administrator of himself and William E. Colson deceased, administrators of the estate of John Colson Sr deceased

And have then there this writ. Witness, ***JAMES W. ORR***, Clerk of our said Court, at the Court-House, this 1st day of January, 1872, in the 96th year of the Commonwealth.

James W. Orr, **CLERK.**

A copy-
Teste-James W. Orr, Clerk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON Charles L. Humblen, Adm'r of the estate of William J. Colson dec'd, Sarah Colson, Babis Shumate & Rebecca Shumate, his wife, John Colson, James F. Snellen and Juliana Snellen his wife, and Nora Colson

to appear before the Judge of our County Court of Lee county, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in February next to answer a bill in Chancery, exhibited in our said Court against them by James B. Colson, Surviving Obligee of himself and William L. Colson deceased, and Surviving administrator of himself and William L. Colson deceased, administrators of the estate of John Colson Sr. deceased.

And have then there this writ. Witness, ***JAMES W. ORR,*** Clerk of our said Court, at the Court-House, this 1st day of January, 187[illegible] in the 96th year of the Commonwealth.

James W. Orr, **CLERK.**

A copy-
Teste- James W. Orr, clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON Charles L. Humblen, Admr of the estate of William J. Colson decd, Sarah Colson, Balis Shumate, & Rebecca Shumate, his wife, John Colson, James F. Suellan, and Juliana Suellan, his wife, and Ava Colson

to appear before the Judge of our County Court of Lee county, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in February next to answer a bill in Chancery, exhibited in our said Court against them by James B. Colson, Surviving obligee of himself and William E. Colson deceased, and Surviving Administrator of himself and William E. Colson, deceased, administrator of the estate of John Colson Sr deceased

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James W. Orr, **CLERK.**

A copy-
Teste-James W. Orr, clerk

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY---GREETING:

WE COMMAND YOU TO SUMMON Charles L. Hamblen, Admr. of the estate of William J. Colson decd, Sarah Colson, Balis Shumate & Rebecca Shumate, his wife, John Colson, James F. Snellan, and Juliana Snellan, his wife, and Nora Colson

to appear before the Judge of our County Court of Lee county, at the Court-House, in the Clerk's Office, at Rules to be holden for said Court, on the first Monday in February next to answer a bill in Chancery, exhibited in our said Court against them by James B. Colson, Surviving obligee of himself and William E. Colson deceased, and Surviving administrator of himself and William E. Colson deceased, administrator of the estate of John Colson Sr deceased

And have then there this writ. Witness, ***JAMES W. ORR,*** Clerk of our said Court, at the Court-House, this 1st day of January, 1872, in the 96th year of the Commonwealth.

James W. Orr, **CLERK.**

A copy.
Teste. James W. Orr, Clerk.